

ESTTA Tracking number: **ESTTA771527**

Filing date: **09/19/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following parties oppose registration of the indicated application.

### Opposers Information

Name	The Oakland Raiders
Granted to Date of previous extension	09/18/2016
Address	1220 Harbor Bay Parkway Alameda, CA 94502 UNITED STATES

Name	NFL Properties LLC
Granted to Date of previous extension	09/18/2016
Address	345 Park Avenue New York, NY 10154 UNITED STATES

Attorney information	Kristin H. Altoff Morgan, Lewis & Bockius LLP 1111 Pennsylvania Ave. NW; Attn: TMSU Washington, DC 20004 UNITED STATES trademarks@morganlewis.com, kristin.altoff@morganlewis.com, felicia.gordon@morganlewis.com Phone:202.739.5093
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### Applicant Information

Application No	86440644	Publication date	03/22/2016
Opposition Filing Date	09/19/2016	Opposition Period Ends	09/18/2016
Applicant	Ahmal Bre'haut 11133 w Ashbrook pl Avondale, AZ 85392 UNITED STATES		


### Goods/Services Affected by Opposition


Class 041. First Use: 2014/10/31 First Use In Commerce: 2014/10/31  
All goods and services in the class are opposed, namely: Non-profit fan club for Oakland Raidersfans

### Grounds for Opposition


Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)


## Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	2902616	Application Date	01/17/2001
Registration Date	11/16/2004	Foreign Priority Date	NONE
Word Mark	RAIDER NATION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1995/06/01 First Use In Commerce: 1995/06/01 ON LINE RETAIL STORE FEATURING SPORTS MEMORABILIA, CLOTHING AND SOUVENIRS ON A GLOBAL COMPUTER NETWORK Class 041. First use: First Use: 1995/06/01 First Use In Commerce: 1995/06/01 PROVIDING STATISTICAL INFORMATION IN THE FIELD OF SPORTS VIA A GLOBAL COMPUTER NETWORK		

U.S. Registration No.	2716923	Application Date	04/27/2000
Registration Date	05/20/2003	Foreign Priority Date	NONE
Word Mark	RAIDER NATION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1995/06/01 First Use In Commerce: 1995/06/01 Clothing, namely, [ hats, jackets, and ] tee shirts		

U.S. Registration No.	1771383	Application Date	03/06/1992
Registration Date	05/18/1993	Foreign Priority Date	NONE
Word Mark	RAIDERS		


Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 016. First use: First Use: 1970/09/00 First Use In Commerce: 1970/09/00 trading cards, posters, magazines relating to professional football, [ post cards, ] calendars, wrapping paper, [ papergift boxes, ] paper stickers, paper napkins, [ paper towels, ] books relating to professional football, [ poster books,] notepads, [ paper party hats, ] greeting cards</p> <p>Class 025. First use: First Use: 1970/02/00 First Use In Commerce: 1970/02/00 men's, women's and children's clothing and footwear; namely, coaches caps, woolhats, [ painters caps, ] baseball caps, visors, headbands, ear muffs, [ knit face masks, ] belts, wristbands, T-shirts, tank tops, pajamas, golf shirts, sweat-ers, sweatshirts, jackets, turtlenecks, windbreakers, knit tops, neckties, [ braces, ] bibs, jerseys, night shirts, coats, robes, raincoats, parkas, ponchos, [ sneakers, ] gloves, scarves, [ snow suits, ] mittens, aprons, [ down jackets, ] leather jack-ets, shorts, sweatpants, jeans, pants, [ knickers, ] socks, underwear, bathing suits, [ and leg warmers ]</p>		
U.S. Registration No.	3725247	Application Date	05/19/2009
Registration Date	12/15/2009	Foreign Priority Date	NONE
Word Mark	RAIDERS		

Design Mark			
Description of Mark	The mark consists of a stylized shield with the words "RAIDERS" and image of a face with an eye patch, helmet, and two swords.		
Goods/Services	<p>Class 009. First use: First Use: 1970/09/00 First Use In Commerce: 1970/09/00 Football helmets, decorative magnets, pre-recorded DVDS featuring the sport of football, and sunglasses</p> <p>Class 014. First use: First Use: 1970/09/00 First Use In Commerce: 1970/09/00 Jewelry, watches, clocks, pins made of precious metal, earrings, necklaces, bracelets, charms money clips made of precious metal, rings, collectible coins, coins of precious metal, pendants and keys chains made of precious metal</p> <p>Class 028. First use: First Use: 1970/09/00 First Use In Commerce: 1970/09/00 Toys and sporting goods, namely, plush toys, stuffed toy animals, play figures, golf balls, golf bags, golf club covers, footballs, toy banks, board games relating to football, Christmas tree ornaments, [ toy and decorative windsocks, ] toy cards and trucks, and miniature helmets</p>		
U.S. Registration No.	975685	Application Date	09/25/1972
Registration Date	12/25/1973	Foreign Priority Date	NONE
Word Mark	RAIDERS		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 1960/07/00 First Use In Commerce: 1960/08/00 ENTERTAINMENT SERVICES IN THE FORM OF PROFESSIONAL FOOT-BALL GAMES AND EXHIBITIONS, SOME OF WHICH ARE RENDERED THROUGH THE MEDIUM OF TELEVISION AND RADIO

U.S. Registration No.	4256485	Application Date	12/29/2011
Registration Date	12/11/2012	Foreign Priority Date	NONE


Word Mark	AL
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Design Mark	
Description of	The mark consists of the letters "AL" in a shield.

Mark	
Goods/Services	Class 041. First use: First Use: 2011/10/16 First Use In Commerce: 2011/10/16 Education and entertainment services inthe nature of professional football games and exhibitions; providing sports andentertainment information, in the nature of professional football via a global computer network or a commercial on-linecomputer service, or by cable, satellite, television or radio

U.S. Registration No.	974730	Application Date	09/25/1972
Registration Date	12/11/1973	Foreign Priority Date	NONE

Word Mark	RAIDERS
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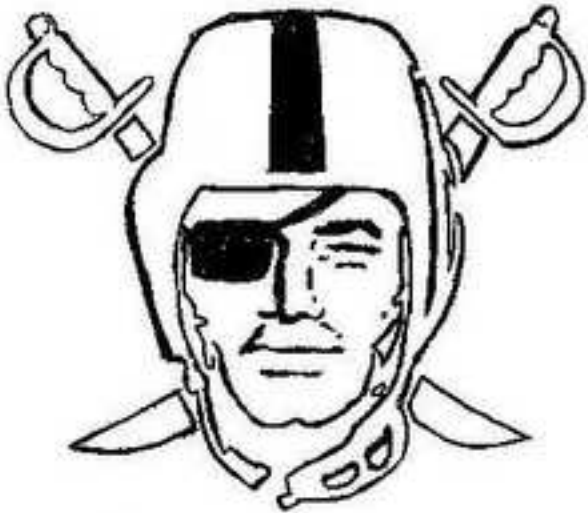
Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 041. First use: First Use: 1960/07/00 First Use In Commerce: 1960/08/00 PROFESSIONAL FOOTBALL GAMES AND EXHIBITIONS, SOME OF WHICH ARE RENDERED THROUGH THE MEDIUM OF TELEVISION AND RADIO
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U.S. Registration No.	2992455	Application Date	07/14/2004
Registration Date	09/06/2005	Foreign Priority Date	NONE

Word Mark	NONE
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Design Mark	
Description of Mark	The mark consists of a fanciful depiction of a pirate's head dressed in a football helmet.
Goods/Services	Class 014. First use: First Use: 2002/06/20 First Use In Commerce: 2002/06/20 Jewelry, namely, lapel pins, pendants, necklaces, charms, [ and rings ] Class 025. First use: First Use: 2002/04/24 First Use In Commerce: 2002/04/24 Men's, women's, and children's clothing and headwear, namely t-shirts, caps, and knit caps

U.S. Registration No.	731310	Application Date	12/02/1960
Registration Date	05/08/1962	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 1960/07/00 First Use In Commerce: 1960/08/00 Entertainment Services in the Nature of Football Games and Exhibitions, Some of which Are Rendered Through the Medium of Television [ and Radio]

Attachments	76195179#TMSN.png( bytes ) 76035172#TMSN.png( bytes ) 74252823#TMSN.png( bytes ) 77739988#TMSN.png( bytes ) 72436589#TMSN.png( bytes ) 85505822#TMSN.png( bytes ) 72436581#TMSN.png( bytes ) 78450529#TMSN.png( bytes ) 72109507#TMSN.png( bytes ) ONE NATION Notice of Opposition.pdf(160130 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Kristin H. Altoff/
Name	Kristin H. Altoff
Date	09/19/2016



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

THE OAKLAND RAIDERS and NFL  
PROPERTIES LLC,

Opposers,

v.

AHMAL BRE'HAUT d/b/a ONE NATION  
BOOSTER CLUB,

Applicant.

In re Application Serial No. 86/440,644  
Mark: ONE NATION BC and Design



Published: March 22, 2016

Opposition No. \_\_\_\_\_

**NOTICE OF OPPOSITION**

Opposers The Oakland Raiders and NFL Properties LLC (“Opposers”) believe they will be damaged by registration of the designation ONE NATION BC and Shield Design shown in Application Serial No. 86/440,644 (“Applicant’s ONE NATION and Shield Design Designation”), filed by Ahmal Bre’haut d/b/a One Nation Booster Club (“Applicant”) for use in connection with “Non-profit fan club for Oakland Raiders fans” in Class 41. Opposers hereby oppose registration of Applicant’s ONE NATION and Shield Design Designation under the provisions of Sections 2(d), 13, and 43(c) of the Trademark Act of July 5, 1946 (the “Lanham Act”), 15 U.S.C. §§ 1052(d), 1063 and 1125(c).

As grounds for opposition, Opposers allege that:

1. Opposer The Oakland Raiders (the “Raiders” or “Raiders Club”) is a limited partnership of California, with its principal place of business at 1220 Harbor Bay Parkway, Alameda, California 94502. The Raiders Club owns and operates a professional football team and provides entertainment services to the public in the form of competitive professional football

games. The Raiders Club is one of the thirty-two member clubs (the “Member Clubs”) of the National Football League (“NFL”).





2. Opposer NFL Properties LLC (“NFLP”) is a limited liability company organized and existing under the laws of Delaware with its principal place of business at 345 Park Avenue, New York, New York, 10154. NFLP represents the NFL and its thirty-two Member Clubs for the licensing and protection of their names, logos, symbols, and other identifying marks and is charged with protecting these marks and the rights of the NFL and the Member Clubs with respect thereto.

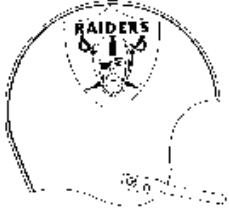


3. For many years, and long before the October 31, 2014, filing date of Applicant’s application or the October 31, 2014, asserted date of first use, Opposers have used marks consisting of and containing RAIDERS NATION and marks consisting of and containing design of a shield and the design of a face with an eye patch over the right eye, including as shown below (collectively, “Opposers’ Raiders Marks”) in connection with their business of organizing, conducting, and promoting the Raiders football franchise.



4. For many years, and long before the October 31, 2014, filing date of Applicant’s application or the October 31, 2014, asserted date of first use, Opposers and their authorized business partners, sponsors, and/or licensees have used Opposers’ Raiders Marks on or in connection with the sale of a wide variety of goods and services related to the business of organizing, conducting, and promoting the Raiders football franchise.

5. In addition to the common law rights in Opposers' Raiders Marks, the Raiders Club owns registrations and applications for many of Opposers' Raiders Marks used in connection with entertainment services in the form of football games and exhibitions and promotional and merchandising products and services, including, among others, the following registrations issued by the United States Patent and Trademark Office ("PTO"):

Registration Number	Mark	International Class	Date of First Use in Commerce
2,902,616	RAIDER NATION	35, 41	6/1/1995
2,716,923	RAIDER NATION	25	6/1/1995
1,771,383		16, 25	9/1970 (Cl. 16) 2/1970 (Cl. 25)
3,725,247		9, 14, 28	9/1970
975,685		41	8/1960
4,256,485		41	10/16/2011

Registration Number	Mark	International Class	Date of First Use in Commerce
974,730		41	7/1960
2,992,455		14, 25	6/20/2002 (Cl. 14) 4/24/2002 (Cl. 25)
731,310		41	8/1960

6. The registrations referenced above are valid and subsisting, in full force and effect, and constitute *prima facie* and/or conclusive evidence of the Raiders Club's exclusive right to use the marks in commerce in connection with the goods and services specified in the registrations.

7. The following registrations referenced above are incontestable pursuant to the provisions of Section 15 of the Lanham Act, 15 U.S.C. § 1065, and constitute conclusive evidence of the Raiders Club's exclusive right to use the marks in commerce in connection with the goods and services specified in the registrations: 731310; 974730; 975685; 1771383; 2716923; 2902616 and 2992455.

8. During the longstanding, widespread and continuous use of Opposers' Raiders Marks, Opposers and their authorized business partners, sponsors, and licensees have expended

considerable time, effort, and money in advertising and publicizing the sale of goods and services bearing the Opposers' Raiders Marks.

9. Opposers and their licensees and sponsors have sold and offered for sale goods and services bearing Opposers' Raiders Marks in a trading area of broad geographical scope encompassing the United States, including its territories.

10. Opposers and their licensees and sponsors have sold and offered for sale goods and services bearing Opposers' Raiders Marks in numerous channels of trade.

11. Opposers' Raiders Marks are symbolic of the extensive goodwill and consumer recognition that Opposers have established through substantial expenditures of time, effort and other resources in the advertising and promotion of the goods and services Opposers sell and offer for sale under Opposers' Raiders Marks.

12. As a result of Opposers' regular, extensive and well-publicized use, Opposers' Raiders Marks are famous in the United States and are associated exclusively with Opposers and their high quality goods and services.

13. The colors associated with the Raiders Club are silver and black.

14. On October 31, 2014, Applicant filed an application for federal registration of Applicant's ONE NATION and Shield Design Designation shown in Application Serial No. 86/440,644.

15. Applicant's ONE NATION and Shield Design Designation application covers "Non-profit fan club for Oakland Raiders fans" in Class 41.

16. Applicant's ONE NATION and Shield Design Designation, Application Serial No. 86/440,644, was published for opposition in the *Official Gazette* on March 22, 2016.

17. The Trademark Trial and Appeal Board extended the opposition period for

Applicant's ONE NATION and Shield Design Designation by granting Opposers' timely requests for extensions. The opposition period for Application Serial No. 86/440,644 currently expires on September 18, 2016. Because the opposition deadline falls on a Sunday, Opposers timely file this opposition.

18. Opposers' rights in and to Opposers' Raiders Marks are superior to those of Applicant.

19. Opposers' Raiders Marks are famous and became famous before the Applicant's filing date or any use of Applicant's ONE NATION and Shield Design Designation.

20. Applicant's application for and any use of Applicant's ONE NATION and Shield Design Designation are without the consent, authorization, or license of Opposers.

21. Upon information and belief, Applicant is using Applicant's ONE NATION and Shield Design Designation in a manner that intentionally trades off of the goodwill of Opposers' Raiders Marks.

22. Applicant's ONE NATION and Shield Design Designation incorporates multiple elements of Opposers' Raiders Marks (including use of "NATION," an identical shield device and the image of a face with an eye patch on the right eye).

Opposers' Mark



ONE NATION and Shield Design Designation



23. The services covered by Applicant's ONE NATION and Shield Design Designation specifically reference the Raiders Club.

24. The specimen submitted by Applicant to support its application for Applicant's ONE NATION and Shield Design Designation (depicted below) shows use of the mark in the colors silver and black, identical to the colors used by and associated with the Raiders Club.



25. The specimen and additional documentation submitted by Applicant to support its application for Applicant's ONE NATION and Shield Design Designation (depicted above and below) show use of the mark in connection with one or more of Opposers' Raiders Marks.



26. Opposers believe they will be damaged by registration of Applicant's ONE NATION and Shield Design Designation under Section 13 of the Lanham Act, 15 U.S.C. § 1063, on the ground that the subject designation so resembles Opposers' Raiders Marks used by Opposers in the United States as to be likely, when used on or in connection with the services identified in the application for Applicant's ONE NATION and Shield Design Designation, to cause confusion, mistake or to deceive consumers, with consequent injury to Opposers and to the public, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

27. Opposers believe they will be damaged by registration of Applicant's ONE NATION and Shield Design Designation under Section 13 of the Lanham Act, 15 U.S.C. § 1063, because the use and registration of Applicant's ONE NATION and Shield Design Designation is likely to dilute the distinctive quality of Opposers' famous Raiders Marks, in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

WHEREFORE, Opposers believe they will be damaged by registration of Applicant's ONE NATION and Shield Design Designation shown in Application Serial No. 86/440,644 and respectfully request that the registration sought by Applicant be refused.

Dated: September 19, 2016

Respectfully submitted,

By: /s/ Kristin H. Altoff  
Kristin H. Altoff  
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Washington, D.C. 20004  
Tel: (202) 739-3000  
Fax: (202) 739-3001

Attorneys for Opposers  
THE OAKLAND RAIDERS and NFL  
PROPERTIES LLC



**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Notice of Opposition has been sent via first class mail, postage pre-paid on this 19th day of September 2016 to:

Francis John Ciaramella, Esquire  
Rick Ruz, PLLC  
300 Sevilla Avenue, Suite 301  
Coral Gables, Florida 33134

/s/ Kristin H. Altoff